IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14564 of 2004

Between:

M/s. Jayalakshmi Sea Foods Private Limited,

Rep. By its Managing Director, Sri K. Ramesh Babu, S/o K. Poornayya,

Regd. Office at Flat No.6, D. NO. 8-3-21 (5), Dhanista Apartments,

Peda Waltair, Visakhapatnam, Visakhapatnam District.

..... PETITIONER

AND

1. The Secretary,

Agricultural Market Committee,

Bhimavaram, West Godavari District
2. The Director of Marketing,

Governmetn of Andhra Pradesh,

BRK Bhavan, Opp. Secrtariat, Hyderabad.
3. The Governmetn of Andhra PRadesh,

Rep. by its Principal Secretary,

(Food & Agricultural Department),

Secretariat Buildings, Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Circular bearing No.I (2) 119/93, dated 28-07-2004 issued by the 2nd respondent to levy or collection of Development Cess @ Rs. 0.5% on Prawns meant for export is illegal, arbitrary, erroneous, highhanded and violative of provisions of A.P. (Agricultural Produce and Livestock) Markets Act, 1966 and

also violative of Articles 14, 19 (1)(g), 21 300A, 301, 276 and 272 of the Constitution of India and also declare that the action of the Respondents in detaining the containers of export oriented prawns during the transit or at the Check Post for Payment of Development Cess in pursuance of the Circular mentioned supra is illegal, arbitrary and violative of the Markets Act and consequently direct the Respondents not to act upon the Circular No.I (2) 119/93, dated 28-07-2004 for collection of Development Cess and not to insist the petitioner for payment of the said Development Cess under Circular NO.I (2) 119/93, dated 28-7-2004.

Counsel for the Petitioner: MR.Y.V.RAVI PRASAD

Counsel for the Respondent No.1: Mr.Posani Venkateswarlu

Counsel for the Respondent Nos.2 & 3: GP FOR AGRICULTURE

The Court made the following:

ORDER:

It is submitted by the learned counsel for the petitioner and the learned Government Pleader that the impugned Circular No.L(2)1257/2004 dated 31-08-2004 has already been withdrawn by the Government.

Recording the same, no orders are necessary and the writ petition is accordingly dismissed. No order as to costs.

_____

B. PRAKASH RAO, J

Dated: 03-09-2004

LSK/SJ

To

1. The Secretary,

Agricultural Market committee,

Bhimavaram, West Godavari District.
2. The Director of Marketing,

Government of Andhra Pradesh

BRK Bhavan, Opp.Secretariat,

Hyderabad.
3. The Principal Secretary,

Government of Andhra Pradesh,

(Food & Agricultural Department),

Secretariat Buildings, Hyderabad.

4. Two C.Cs. to the Government Pleader for Agriculture,

High Court Buildings, Hyderabad, (OUT)

5. Two C.D. copies.